

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LAURA C. MOCH and PEACE CORPS,
Washington, DC

*Docket No. 98-1788; Submitted on the Record;
Issued June 12, 2000*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant's skin condition is causally related to her service as a Peace Corps volunteer.

The Board finds that this case is not in posture for decision as further development of the evidence is necessary.

On November 17, 1997 appellant, then a 25-year-old former volunteer teacher in the Peace Corps,¹ filed a claim for occupational disease alleging that, while a volunteer in Sunyani, Ghana, Africa, in 1996 she contracted folliculitis.² In an attached narrative appellant stated that she was first aware of her skin infection in June 1996 when she noticed small infections on her arms. The Peace Corps medical officer in country diagnosed staphylococcus infection "probably due to the dirty water." Appellant related that the condition worsened over time and that when she returned to the United States she was given a voucher to see a dermatologist.

In an October 10, 1995 treatment note, a medical doctor in Ghana noted that appellant had acne vulgaris and ringworm, and in an October 31, 1995 treatment note stated that appellant had "staphylococcus infection skin infection/? eczema."

On June 3, 1997 appellant had a close-of-service medical examination which noted moderate-severe acne on arms and back.

On August 20, 1997 the employing establishment issued a "Post Service Evaluation" form which authorized dermatological care for black lesions on appellant's arms.

¹ 5 U.S.C. § 8142(c)(3).

² Appellant was terminated from the Peace Corps on August 22, 1997.

On January 20, 1998 the Office advised appellant that it needed additional medical evidence to process her claim.

By decision dated March 7, 1998, the Office denied appellant's claim on the grounds that the evidence did not establish that she sustained a compensable condition diagnosed in connection with her volunteer service as a Peace Corps volunteer. The Office noted that evidence appellant had submitted from a physician's assistant had no probative medical value.

The Board has duly reviewed the case on appeal and finds it is not in posture for decision.

Section 8142(c)(3) of the Federal Employees' Compensation Act³ provides that an injury sustained by a Peace Corps volunteer, when she is outside the United States, is deemed proximately caused by her employment, unless the injury or disease is:

“(a) caused by willful misconduct of the volunteer;

“(b) caused by the volunteer's intention to bring about the injury or death of himself or of another; or

“(c) proximately caused by the intoxication of the injured volunteer....”

Section 10.605 of Title 20 of the Code of Federal Regulations,⁴ the implementing regulation of 5 U.S.C. § 8142, provides, in part, as follows:

“(a) Any injury suffered by a volunteer during any time when the volunteer is located abroad shall be presumed to have been sustained in the performance of duty and any disease or illness contracted during such time shall be presumed to be proximately caused by the employment, except the presumption will be rebutted by evidence that:

(1) The injury or disease or illness was caused by the volunteer's willful misconduct, intent to bring about the injury or death of self or another, or was proximately caused by the intoxication by alcohol or illegal drugs of the injured volunteer....

(2) The disease or illness is shown to have preexisted the the period of service abroad:

“(b) If an injury is not presumed to have been sustained in the performance of duty as provided by paragraph (a) of this section, the volunteer has the burden of proving by the submission of substantial and probative evidence that the injury was sustained in the performance of duty with the Peace Corps.”

³ 5 U.S.C. § 8142(c)(3).

⁴ 20 C.F.R. § 10.605.

In this case, the record reveals that appellant was diagnosed with acne vulgaris, ringworm, staphylococcus skin infection and possible eczema by the medical officer while she served as a volunteer in Ghana, Africa. Inasmuch as appellant was diagnosed with these skin conditions while abroad as a Peace Corps volunteer in Ghana, Africa, had treatment authorized upon her termination of service, and the record contains no medical evidence to rebut her claim, the case will be remanded for the Office to determine whether she has sustained a compensable condition causally related to her federal service.

The March 7, 1998 decision of the Office of Workers' Compensation Programs is reversed and the case record is remanded to the Office for further development in accordance with this decision.

Dated, Washington, D.C.
June 12, 2000

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member